

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

In re:

Genetically Modified Rice Litigation

This document relates to:

THE NUTRO COMPANY, a California
Corporation, formerly NUTRO
PRODUCTS, INC., a Delaware
Corporation,

Plaintiff,

v.

BAYER AG, BAYER CROPSCIENCE AG,
BAYER BIOSCIENCE N.V., BAYER
CROPSCIENCE LP, BAYER CROPSCIENCE
HOLDING INC., BAYER CROPSCIENCE
LLC, BAYER CROPSCIENCE INC.,
BAYER CORPORATION, and
DOES 1-30, inclusive,

Defendants.

Master Case No:

4:06-MD-1811-CDP

CIVIL ACTION NO.:

1:11-cv-00175-CDP

PLAINTIFF'S MEMORANDUM REQUESTING ISSUANCE OF PLURIES
SUMMONSES

Plaintiff, through counsel, respectfully requests that the Clerk of this Court issue the attached summonses to the foreign entities as further described below:

1. The petition in this matter was filed in Missouri State Court in Crawford County on August 11, 2011, against multiple Defendants including two German corporations, Bayer AG and Bayer Cropscience AG ("German Defendants").

2. On or about September 26, 2011, Defendants Bayer Cropscience LP, Bayer Cropscience Holding Inc., Bayer Cropscience LLC, Bayer Cropscience Inc., and Bayer Corporation (“U.S. Defendants”) removed this case from Missouri State Court, at the time of removal Plaintiff had served the five U.S. Defendants successfully.

3. Plaintiff now respectfully requests issuance of pluries summonses to obtain service of process on the German Defendants pursuant to Article 5 of the Hague Convention.

4. Attached hereto in support of this Motion are the following documents:

- a. Exhibit 1, Affidavit of translator Tom DeVogelaere which attaches:
 - i. Exhibit A, a German translation of a Summons directed to Bayer AG.
 - ii. Exhibit B, a German translation of a Summons directed to Bayer CropScience AG.
 - iii. Exhibit C, a German translation of Removal documents from Missouri State Court filed by the U.S. Defendants.
 - iv. Exhibit D, a German translation of the Complaint in this matter.
- b. Exhibit 2, a Summons directed to Bayer AG.
- c. Exhibit 3, a Summons directed to Bayer CropScience AG.
- d. Exhibit 4, Removal documents from Missouri State Court filed by the U.S. Defendants.
- e. Exhibit 5, the Complaint in this matter.

5. A Notice of Intent to Use Process Server form has previously been filed designating Process Forwarding International to obtain service of process on the German Defendants.

6. Plaintiff respectfully requests that certified copies of the summons, removal documents, and Complaint, including German translations of the same, be issued by this Court for service on Bayer AG.

7. Plaintiff respectfully requests that certified copies of the summons, removal documents, and Complaint, including German translations of the same, be issued by this Court for service on Bayer CropScience AG.

8. Plaintiff will submit prompt payment of the Clerk's fees upon receipt of the Clerk's invoice.

WHEREFORE, Plaintiff respectfully requests that the Clerk provide certified copies of the documents requested herein, and any and all other documents necessary to obtain service of process on Bayer AG and Bayer CropScience AG under the Hague Convention.

Respectfully submitted, this the 14th day of March, 2012.

/s/ Robert P. Berry_____

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ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

This is to certify that I have this 14th day of March, 2012, electronically filed a copy of the foregoing with the Clerk of Court to be served by operation of the Court's electronic filing system upon the parties of record.

/s/ Robert P. Berry
Robert P. Berry